

RECEIVED
CENTRAL FAX CENTER

AUG 16 2006

PATENT

Serial No. 10/509,478

Amendment in Reply to Final Office Action of July 11, 2006

REMARKS

This Amendment is being filed in response to the Final Office Action dated July 11, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

The Final Office Action states on page 2 that a formal copy of the corrected are needed for, Fig. 1. Applicants thank the Examiner for the notice. Applicants will submit formal drawings later, such as upon issuance of a Notice of Allowance.

In the previous Office Action and in the Final Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a). It is respectfully submitted that "should" (as recited in MPEP §608.01(a) and referred to on page 11, item 10 of the Office Action) is suggestive or permissive, and not mandatory as in "must" or "shall". For example, 37 CFR 1.77(b) recites:

The specification should include the following

PATENT
Serial No. 10/509,478
Amendment in Reply to Final Office Action of July 11, 2006

sections in order: (Emphasis added)

Similarly, 37 CFR 1.77(c) recites:

The text of the specification sections defined in paragraphs (b)(1) through (b)(12) of this section, if applicable, should be preceded by a section heading in uppercase and without underlining or bold type. (Emphasis added)

By contrast, 37 CFR 1.77(b)(5) recites:

(5) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on a compact disc and an incorporation-by-reference of the material on the compact disc (see § 1.52(e)(5)). The total number of compact discs including duplicates and the files on each compact disc shall be specified. (Emphasis added)

Thus, it is respectfully submitted that a distinction is made between "should" and "shall", where "should" is permissive, and "shall" is mandatory. Accordingly, it is respectfully submitted that headings are not required in accordance with MPEP §608.01(a).

Additionally, it is respectfully submitted that the previous specification changes made in response to the Office Action of January 10, 2006 be entered, if not already entered.

In the Final Office Action, claim 1 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. The Final

PATENT
Serial No. 10/509,478
Amendment in Reply to Final Office Action of July 11, 2006

Office Action cites the following section, "...reducing the length of each row of said row of said code block by adding x row symbols together to form y row symbols replacing the x row symbols, y being less than x, to form shortened rows according to a predetermined adding rule resulting in a reduced code block..." as unclear.

Applicants respectfully traverse this rejection of claim 1 under U.S.C. §112, second paragraph and submit that claim 1 is clear on its face. Perhaps the following example may clarify any difficulties facing the Examiner. Lets say, for example, that a first row has four row symbols [x1, x2, x3, x4] which have the following values [1, 2, 3 and 4], respectively. A second row with less symbols may be obtained by adding some symbols of the first row together where, for example, the second row may only have two symbols [y1, y2], where $y1=x1+x2$ and $y2=x3+x4$ thus yielding [3, 7] for the second row, which has less symbols or is shorter than the first row.

As noted in the previous Office Action mailed on January 10, 2006, the Examiner indicated that claim 7 would be allowable if rewritten in independent form. Further, there appears to be no objections or rejections to claim 7 in the Final Office Action.

PATENT
Serial No. 10/509,478
Amendment in Reply to Final Office Action of July 11, 2006

Applicants gratefully acknowledge the indication that claim 7 contains allowable subject matter and have added new independent claims 17-18 that include the patentable features of allowable claim 7. Accordingly, independent claims 17-18 should be allowable and a notice as such is greatly appreciated.

Claims 1-6 and 8-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,581,178 (Kondo) in view of U.S. Patent No. 5,757,825 (Kimura). It is respectfully submitted that claims 1-16 should be allowable over Kondo and Kimura for at least the following reasons.

As in the previous Office Action mailed on January 10, 2006, the Abstract of Kondo is cited in rejecting independent claims 1 and 12. Kondo has 20 figures and 36 columns of text qualifying this patent as "complex". Therefore pursuant to 37 CFR 1.104, the Examiner must indicate how the reference is being applied. It is alleged that the Abstract of Kondo teaches "reducing the length of each row by adding x row symbols together to form y row symbols replacing the x row symbols, y being less than x, to form shortened rows", as recited in independent claims 1 and 12. Applicants respectfully disagree.

PATENT
Serial No. 10/509,478

Amendment in Reply to Final Office Action of July 11, 2006

Even assuming, arguendo, that "segmenting data units into predetermined lengths is analogous to reducing the length of each row" as alleged on the bottom of page 5 of the Final Office action, it is still respectfully submitted that the Kondo Abstract does not teach or suggest the specific recitations of independent claims 1 and 12, where independent claim 1 requires (with similar recitations in independent claim 12):

reducing the length of each row of said code block by adding X row symbols together to form Y row symbols replacing the X row symbols, Y being less than X, to form shortened rows according to a predetermined adding rule resulting in a reduced code block. (Illustrative emphasis provided)

Adding X row symbols together to form shortened rows is nowhere taught or suggested in the Abstract of Kondo. Kimura is cited to allegedly show other features and does not remedy the deficiencies in Kondo.

Accordingly, it is respectfully submitted that independent claims 1 and 12 should be allowable. In additions, claims 2-11 and 13-16 should be allowable at least based on their dependence from independent claims 1 and 12.

In addition, Applicants deny any statement, position or

PATENT

Serial No. 10/509,478

Amendment in Reply to Final Office Action of July 11, 2006

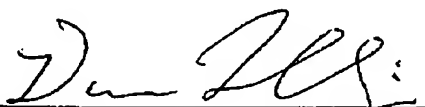
averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for filing the Request for Continued Examination (RCE) and the fee for one additional independent claim to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

PATENT
Serial No. 10/509,478
Amendment in Reply to Final Office Action of July 11, 2006

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 29,703
Attorney for Applicant(s)
August 16, 2006

Enclosures: Request for Continued Examination (RCE)
Authorization to charge credit card \$990 including
\$790 fee for filing the RCE and \$200 for one
independent claim in excess of three

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101